



400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	February 20, 2018		<b>Item Type:</b> <i>(Enter X in box)</i>	Resolution X	Ordinance	Other	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	1 <sup>st</sup> Reading		2 <sup>nd</sup> Reading	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	Yes	No	Yes
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	Yes		No	
<b>Account Balance:</b>						X	
<b>Project Number :</b>	N/A		<b>RFP/RFQ/Bid Number:</b>	N/A			
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: <i>(Enter X in box)</i>				
			Safety <input type="checkbox"/>				
			Quality X				
			Vibrant Appeal <input type="checkbox"/>				
<b>Sponsor Name:</b>	City Attorney Jennifer Merino		Department: City Commission				

### Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, FORMALLY APPOINTING ACTING MAYOR KEITH LONDON TO THE SEAT OF MAYOR; FORMALLY APPOINTING RICHARD DALLY TO VACANT COMMISSION SEAT TWO; REPEALLING RESOLUTION 2014-61 REGARDING PROCESS FOR FILLING 2014 VACANCY; AND PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

On January 26, 2018, the Governor issued an executive order suspending Mayor Joy Cooper pending the resolution of criminal charges. Currently, the city has a special election set for March 2018 to fill commission seat #1, a vacancy created by the resignation of former Commissioner

Anthony Sanders. The commission was required to appoint an individual to temporarily fill the vacancy until November 2018. At the general election in November, in addition to the scheduled open seats of #1 and #2, the ballot will include an election to fill the vacancy of the Mayor until the earlier of (1) the end of Mayor Cooper's term in November 2020 or (2) she is reinstated by the Governor.

The City Charter states that an appointment is made by a majority of the remaining commissioners. If an appointment cannot be made within 30 days, the appointment is decided "by lot," meaning randomly. The City's Code of Ordinances does not contain any additional restrictions. (See Exhibit 2) On February 13, 2018, the commission followed the requirements of the City Charter and City Code, executed a nomination process during a publicly noticed meeting of the commission and a majority of the commission voted in accordance with that process. The Commission voted to appoint the Acting Mayor to the seat of the Mayor and further appointed Mr. Richard Dally to the vacancy subsequently created in commission seat two (2).

On February 14, 2018 I was notified by former Commissioner Leo Grachow that there was a resolution adopted in 2014 relating to the appointment process. (See Exhibit 3) The resolution was not previously identified because it was inaccurately titled in the city's database. However, as acknowledged by the City Attorney, Commissioner Grachow and the rest of the commission at the time, the resolution was merely advisory and not binding on future commissions. The majority was not bound by Resolution 2014-61 (Exhibit 4) and could have voted to amend it or repeal it if its existence had been known. As I stated during the meeting, there are many valid ways to conduct the appointment process. It is the right of the commission to determine which methodology it uses, so long as it abides by the Charter and Code. Further, the appropriate mechanism for permanent general regulation would be an ordinance codifying the regulation, not a resolution.

For the sake of clarity and to avoid future confusion, the proposed resolution formalizing the appointments of February 13th contains a repeal of Reso. 2014-61. I have also corrected the title of the resolution in my office's database and asked the City Clerk to do the same.

**FISCAL IMPACT:**

None.

**Proposed Action:**

Consideration of the RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, FORMALLY APPOINTING ACTING MAYOR KEITH LONDON TO THE SEAT OF MAYOR; FORMALLY APPOINTING RICHARD DALLY TO VACANT COMMISSION SEAT TWO; REPEALLING RESOLUTION 2014-61 REGARDING PROCESS FOR FILLING 2014 VACANCY; AND PROVIDING AN EFFECTIVE DATE.

**Attachment(s):**

Exhibit 1 – Resolution  
Exhibit 2 – Memo to Commission Re: Vacancy of Mayor  
Exhibit 3-- Supplemental Memo to Commission Re: Appointment to Fill Vacnacy  
Exhibit 4-- Resolution 2014-61